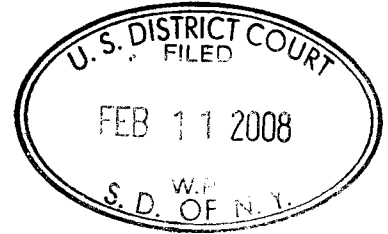


ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Eric J. Blake (04R3528), :
 :
Petitioner, : No. 08 Civ. 0930 (SCR) (MDF)
 :
-against- : ORDER
 :
Leo Payane, Superintendent, :
Mohawk Correctional :
Facility, :
 :
Respondent. :
-----X



MARK D. FOX, United States Magistrate Judge:

Upon the amended petition for issuance of a writ of habeas corpus pursuant to 28 U.S.C. §2254, dated January 28,2008,it is hereby ORDERED that:

1. Within ninety (90) days of the date of this order, respondent shall serve a copy of the answer to the petition on the petitioner herein and file the original thereof with proof of service with the Clerk of this Court in White Plains, New York;

2. Respondent shall also submit the transcript of the trial and copies of all briefs and decisions on appeal or in connection with proceedings pursuant to New York Criminal Procedure Law Article 440 or any other post trial motions unless those materials have already been submitted;

3. Petitioner, within sixty (60) days after the filing of the answer, shall serve upon respondent's attorney and file his reply to the answer, with the Clerk of this Court in White Plains, New York; and

4. Service of a copy of this Order shall be made by the Clerk of this Court by regular mail to: (1) Petitioner, Eric J. Blake (04-R-3528), Mohawk Correctional Facility, P. O. Box 8450,6100 School Rd.,Rome, New York 13442; (2) to respondent Leo Payane or his successor at Mohawk Correctional Facility, P. O. Box 8450, 6100 School Rd.,Rome,New York 13442; and (3) to the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and by certified mail, together with a copy of the petition, to the District Attorney of Dutchess County, Dutchess County Courthouse, 10 Market Street, Poughkeepsie, New York 12601.

Dated: February 11, 2008
White Plains, New York

MARK D. FOX
United States Magistrate Judge

Copies mailed / handed / faxed to counsel 2/11/08

